

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 8, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: Larry M. Medina. Meeting was called to order and the invocation was given by Pastor Ronnie Barker, Capstone Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion made by Representative Sariñana, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of August 21, 2001.

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Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to excuse Representative Medina from the Regular Council Meeting of January 8, 2002.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign the Ticket Sales Agreement with State National Bank under which the Bank will presell tickets to various events sponsored by the Arts Resources Department. The service provided by the Bank shall be at no cost to the City.

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***RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contract on behalf of the Arts Resources Department for the FY2002 Music Under the Stars World Festival, to be held at the Chamizal National Memorial, as recommended by the Arts Resources Department's Staff.

1. Beverly Perlman Arts Group for Nuclear Whales Saxophone Orchestra; one performance on July 7, 2002; cost of \$13,800.00.

***RESOLUTION**

WHEREAS, the Arts Resources Department of the City of El Paso promotes the arts in El Paso; and

WHEREAS, the Arts Resources Department puts on various cultural presentations throughout the City, in furtherance of the Department's mission; and

WHEREAS, the Arts Resources Department desires use of the Chamizal National Memorial for various cultural presentations, in furtherance of its mission; and

WHEREAS, the Chamizal National Memorial is a National Park and requires a Special Use Permit for the use of such park grounds;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute a Special Use Permit on behalf of the City of El Paso's Arts Resources Department in order to use the Chamizal National Memorial for the promotion of yearly cultural presentations. The cost to the City for such permit is \$2,100.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Grant Agreement of December 30, 1996 between the City of El Paso and the Girl Scouts of the Rio Grande, formerly known as the Rio Grande Girl Scout Council, to increase the funding award from \$114,959.00 to \$116,333.00 for the purpose of administering the City of El Paso's federally designated Enterprise Community Volunteer Youth Mentoring Services Initiative. The grant agreement termination date of June 28, 2002, remains the same.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Annual Action Plan (2001-2002) of the Consolidated Plan for 2000-2005 be amended by adding the following housing activity to the 27th Year (2001-2002) Community Development (CD) Program:

Demonstration Employer Assisted Housing Program - \$150,000

AND that the funds for this project be transferred from the 26th Year Community Development Contingency Account No. 71150047-G7126CD0002-508027.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to the CHDO-HOME Financial Terms Contract between the City and Project Vida Community Development Corporation (PVCDC) involving the acquisition and construction of eight (8) rental units located at 6719-6721 Sambrano Avenue, approved by the City Council on June 20, 2000.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWELVE THOUSAND EIGHT HUNDRED AND NO/100THS DOLLARS (\$12,800.00 - \$12,000 loan/\$800 grant) against the following described real property:

A portion of Tract 66, VALLEY GATE SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the map there of on file in Book 2, Page 64, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds; also known and numbered as 201 Polo Inn Road, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SIXTY-TWO THOUSAND AND NO/100THS DOLLARS (\$62,000.00 - loan) against the following described real property:

Tract 13A, Block 29, YSLETA GRANT to the City of El Paso, El Paso County, Texas, also known and numbered as 8001 Alameda Avenue, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of THIRTY-NINE AND 65/100THS DOLLARS (\$39.65).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application from the City of El Paso Police Department for a Criminal Justice Projects Grant in the amount of \$25,800.00 for funding from the Office of the Governor, Criminal Justice Division, for the purpose of conducting a conference and attending workshops on domestic violence and related issues. No matching funds required.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Planning Fund/Criminal Justice Projects Grant funds, the funds will be returned to the Office of the Governor in full.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the CITY OF EL PASO and PETS ALIVE-EL PASO, INC. to coordinate the City's Spay/Neuter Voucher Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
9301 Leonardo Avenue	\$371.30	\$44.60	\$415.90

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
1405 East Rio Grande Avenue	\$278.20	\$65.59	\$343.79

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
8878 Sunland Avenue	\$173.19	\$60.00	\$233.19

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
5701 West Valley Circle	\$239.23	\$12.34	\$251.57

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept a donation from the Camino Real Hotel for the use of their Ballroom for the Police Department's Annual Awards Ceremony to be held on Wednesday, March 6, 2002. The total value of the donation is \$7,500.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit an application and questionnaire from the City of El Paso Police Department to the Texas Department of Public Safety to seek funding in the estimated amount of \$1,756,800.00 for the purchase of video cameras and recording equipment for all marked police vehicles for the purpose of videotaping traffic stops as the City's method of compliance with SB 1074, 77th Texas Legislature (racial profiling bill). No matching funds required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application from the City of El Paso Municipal Court for a Juvenile Compliance Project Grant in the amount of \$30,060.00 for third year funding from the Office of the Governor, Criminal Justice Division, for the purpose of employing personnel to monitor sentencing compliance and community service requirements by juvenile offenders. Matching funds required in the amount of \$20,040.00.

That the El Paso City Council agrees in the event of loss or misuse of Juvenile Justice and Delinquency Prevention Grant funds, the funds will be returned to the Office of the Governor in full.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Cooperation Contract between the City of El Paso and the Texas Department of Public Safety (DPS) which will allow the City to purchase supplies from DPS at a later time as needed, from September 1, 2001 through August 31, 2003, for the Police Department's use in conducting DWI breath tests.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including the assurances, from the City of El Paso Police Department for a Juvenile Accountability Incentive Block Grant in the amount of \$281,951.00 from the Office of the Governor, Criminal Justice Division, for the purpose of paying the salaries of two officers and a clerk, providing partial funding for juvenile prosecution programs; providing funding to JPD to

provide support services and training to the SHOCAP program and juvenile prosecutors and services to reduce recidivism and aid in rehabilitation; and designating Lt. Diana Kirk as the official representative under the grant. Matching funds required and to be provided by the City in the amount of \$31,328.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division/Juvenile Accountability Incentive Block Grant funds, the funds will be returned to the Office of the Governor, CJD in full.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT Mark T. Davis, Esq., Sergio Gonzalez, Esq. and the City Council mutually agree to terminate the Agreement executed on March 9, 1999, between the CITY OF EL PASO and the LAW OFFICES OF MARK T. DAVIS & SERGIO GONZALEZ for the collection of recyclable material.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: NEW HORIZON SWIMMING POOL ASSN. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1411 Grissom Lane, City of El Paso, El Paso County, Texas, being more particularly described as Lot 201, Block 14, Foster Heights Subdivision, Parcel F254-999-0140-4100,

to be ONE HUNDRED EIGHTY ONE AND 86/100 DOLLARS (\$181.86) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixth day of April, 2001 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of One Hundred Eighty One and 86/100 Dollars (\$181.86) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: REYNOLDS, YVETTE & 2 of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5620 Ranchito Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 40, Los Ranchitos Subdivision, Parcel L789-999-0000-4000,

to be TWO HUNDRED FORTY ONE AND 40/100 DOLLARS (\$241.40) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirtieth day of April, 2001 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Two Hundred Forty One and 40/100 Dollars (\$241.40) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.
3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: MATTESON, SHELBA J. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

OW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1212 Copia Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot S 50 FT OF 30 TO 32, Block 117, East El Paso Subdivision, Parcel E014999-1170-8600,

to be ONE HUNDRED FIFTY THREE AND 72/100 DOLLARS (\$153.72) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty Seventh day of March, 2001 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of One Hundred Fifty Three and 72/100 Dollars (\$153.72) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 5th day of February, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9166 Alameda Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: Lot 9, Block 1, Valumbrosa Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 6, Page 23, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Gabino Aragon, 368 Mirasol Drive, El Paso, Texas 79907 and Gabino Aragon, 9166 Alameda Avenue, El Paso, Texas 79907, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 5th day of February, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10453 Chinaberry Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 30, Block 37, Eastwood Addition Unit 9, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 44, Page 26, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Elizabeth Duckworth, 10453 Chinaberry Drive, El Paso, Texas 79925-7832 and Elizabeth Duckworth, 3816 South Lamar, Apt. #404, Austin, Texas 78704, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 5th day of February, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8464 Roseway Drive (Rear), in El Paso, Texas, which property is more particularly described as:

Tract: 6, Save and Except the Westerly 159.0 feet of the Northerly 169.75 feet of Tract 6, Fruitvale Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 36, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, John A. Jenks, Frances K. Jenks, John A. Jenks, III, and Sudie A. Jenks-Anderson, 8464 Roseway Drive (Rear), are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried to appoint Jake Brisbin, Jr. to the Cable Communications Commission to fill an unexpired term by Representative Sumrall.
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*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract, for one (1) additional year, from February 1, 2002, through January 31, 2003, pursuant to the provisions of contract 1999-38-022R, 800MHZ Trunked Simulcast Radio System/800 MHZ Conventional System Fixed Equipment Maintenance, with Motorola Communications for Fixed Equipment, \$295,620.00 estimated annual and Radio Technologies Communications for Microwave Equipment, \$201,780.00 estimated annual.

Furthermore, it is requested that staff be authorized to negotiate, Legal to review and that the Mayor be authorized to sign any and all additional documents and/or agreements as necessary.

Option No.: ONE [OF TWO]

Bid No.: 1999-38-022C1 & C2
Department: Communications
Account No.: 502229
Funding Source: 01101 General Funds
Amount: \$497,400.00 Estimated Annually

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*Motion made, seconded and unanimously carried to award Bid No. 2002-020 Airport Electrical Supplies

Award to: Vendor (1): C.E.D.
El Paso, TX
Item(s): Group 6
Amount: \$1,800.00 (Estimated annually)

Vendor (2): Dealers Electrical Supply Company
El Paso, TX
Item(s): Group 1 and 2
Amount: \$18,000.00 (Estimated annually)

Vendor (3): Graybar Electric Company
El Paso, TX
Item(s): Group 3
Amount: \$3,000.00 (Estimated annually)

Vendor (4): Summit Electric Supply
El Paso, TX
Item(s): Group 4, 5 and 7
Amount: \$15,000.00 (Estimated annually)

Department: Department of Aviation
Funds available: 620003-503121
Funding source: Airport Operating Fund
Total amount: \$37,800.00 (Estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offers, by definition meeting specifications, from responsible parties.

Wesco Distribution was non-responsive by taking exception to the City's terms and conditions, and therefore is non-responsive on their overall bid.

This is a twenty-four (24) month requirements-type Contract for Electrical Supplies for the El Paso International Airport, however, this Contract may be utilized by other City departments, to meet their requirements as the need arises. There are no viable options to extend the term of the agreement.

The Contract will officially begin at 12:01 AM, January 9, 2002.

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*Motion made, seconded and unanimously carried to postpone to January 14, 2002 an Ordinance changing the zoning of a portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Osca and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021
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The City Clerk read into the record an Ordinance authorizing the Mayor to sign a Deed Without Warranty conveying to Vistacon, Inc., the abutting property owner a parcel of land owned by the City and consisting of 17,659 square feet, being a portion of Lots 1 through 3, Kessler Industrial District #1, El Paso, El Paso County, Texas and addressed as 1161 Kessler Drive near the intersection of Kessler and Yermoland Drives in East El Paso.

Representative Sariñana spoke in reference to the sale of the land for \$0.55 cents a square foot.

Mr. Robert Andron, Assistant City Attorney, asked that the item be discussed in Executive Session.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to discuss the item during Executive Session.

See Page 23 of these minutes for the motion on this item.

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*Motion made, seconded and unanimously carried to postpone to January 14, 2002 an Ordinance providing for the issuance of City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2002, in the aggregate principal amount of \$7,520,000, for the purpose of improving and extending the City's water and sewer system and paying the costs related to the issuance of the Bonds; and enacting provisions incident and related to the subject and purposes of this Ordinance.
.....

ORDINANCE 15013

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING TWO (2) TWENTY-FOOT (20') WIDE EASEMENTS LOCATED WITHIN A PORTION OF FRACTIONAL BLOCK 229, ALEXANDER ADDITION, A PORTION OF SAVAGE STREET (NOW CLOSED), AND A PORTION OF BLOCKS 51 AND 52 OF THE FIRST SUPPLEMENTAL MAP OF KERN PLACE ADDITION, AND AN UNKNOWN WIDTH OF A MOUNTAIN STATES TELEPHONE AND EL PASO ELECTRIC COMPANY EASEMENT LYING WITHIN A PORTION OF BLOCK 51, REPLAT OF FIRST SUPPLEMENTAL MAP OF KERN PLACE ADDITION, CITY OF EL PASO EL PASO (NORTH OF MESA STREET AND WEST OF GREGORY AVENUE).**

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance to amend Title 9 (Health & Safety), Chapter 9.48 (Swimming Pools) in its entirety. The penalty being as provided in Section 9.48.270 of the El Paso Municipal Code.
.....

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to postpone to January 14, 2002 an Ordinance amending Title 10 (Public Peace, Morals and Welfare) Chapter 10.12 (Offenses Against Public Peace) of the El Paso Municipal Code, by adding Section 10.12.050, Prohibiting the Possession of an Open Alcoholic Beverage Container or the Public Consumption of an Alcoholic Beverage within the El Paso Central Business District.

Mayor Raymond C. Caballero questioned what would transpire if a festival were held in the downtown area and alcoholic beverages were sold.

Mr. Reginald Bussey, Assistant City Attorney, responded that City Council could approve a Special Permit for the consumption of alcoholic beverages at a street festival in the downtown area.

Ms. Rita Rodriguez, City Attorney, explained that the Ordinance could be amended to include the Special Permitting process and asked that the item be postponed for one week.

Representative Sumrall asked that restaurants, bars and cafes be included in the Ordinance amendment(s).

Representative Escobar clarified that the restaurants, bars and cafes were located on private property and that the Ordinance amendment would not apply.

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ORDINANCE 15014

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTIONS 18.02.108.2.1 (MECHANICAL CONTRACTORS—LICENSES REQUIRED); 18.02.108.3.1 (ELECTRICAL CONTRACTORS—LICENSES REQUIRED); 18.02.108.4.1 (PLUMBING CONTRACTORS—LICENSES REQUIRED) AND 18.02.108.5.1 (GAS CONTRACTORS—LICENSES, BOND AND INSURANCE), OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO MUNICIPAL CODE.**

Representative Cook asked Mr. Reginald Bussey, Assistant City Attorney, whether the language regarding the apprentices was included and alluded to subparagraph 3.

Mr. Bussey responded that under the Texas State Board of Plumbing Examiners (TSBPE) this organization has the exclusive jurisdiction for licensing plumbers. He stated that if the City attempted to license apprentices the City would be infringing on the TSBPE.

Representative Cook clarified that the City was not requesting the apprentices to be licensed but rather to display their apprenticeship badges. He stated that the El Paso Community College volunteered to produce the badges for the apprentices to wear on the outside of their apparel.

Ms. Rita Rodriguez, City Attorney, advised Council to pass the Ordinance and that at a later date an amendment would be added to require the wearing of the identification badges for the apprentices.

Motion duly made by Representative Sumrall, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

- AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
- NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted Public Hearings on October 30th, 2001 and January 8th, 2002, regarding the property located at 3321 McLean Street, more particularly described as:

Lot: 36, Block 76, Pebble Hills Subdivision Unit 8, a Subdivision in the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 48, Page 3, Plat Records of El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can not be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to demolish the Building and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated October 30th, 2001, that is on or before November 30th, 2001.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on January 8th, 2002, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owners of said property, Albert M. Sarabia and Michael S. Mowles, 13781 Horizon Blvd., El Paso, Texas 79927, were notified of the requirements of Section 18.52.040 and of their need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owners committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owners failed to demolish the Building, and clean the premises of all weeds, trash and debris within 30 days after October 30th, 2001 that is, on or before November 30th, 2001; and
 - c. That the Owners have failed to comply with the Order each day from November 30th, 2001 through January 8th, 2002, a total of 36 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owners in an amount not to exceed \$1,000.00 a day for each violation, a total of \$36,000.00.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owners have not complied with the City Council Order of October 30th, 2001; and

2. That the owners be assessed the following civil penalties. A total of \$30.00 a day for 36 days during which time the City Council Order of October 30th, 2001 was not complied with for a total of \$1,080.00 and
3. That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso; and
4. That the owners be placed on notice that continuing failure to comply with City Council Order to demolish and clean the premises may result in additional and more severe penalties.

Mr. Thomas Maguire, Building Services Department, presented Council Members with Polaroid pictures pertaining to the above case and gave the Department's recommendations.

Representative Sumrall alluded to the Polaroid pictures and questioned whether the house was under construction and never completed.

Mr. Maguire explained that due to a fire two years ago, the building was partially destroyed and the new owners were attempting to reconstruct the home.

Representative Sumrall questioned whether property owners, who have not complied with the Building Services Department's request(s), might be agreeable to signing their properties over to the City at which time the City might utilize these properties for housing rehabilitation.

Mayor Raymond C. Caballero responded that the property must be located in the appropriate part of the city.

Mr. Maguire remarked that the Building Services Department was reviewing language whereas the City may have the opportunity to invest in these homes.

Representative Power explained that the property has been in this same state of disrepair for three years and noted that the property was a safety hazard.

Ms. Rita Rodriguez, City Attorney, advised that the item on the agenda was in reference to the penalties. She responded to Representative Sumrall's concern as the City must comply with State statutes and follow the receivership process.

Representative Cobos questioned how the Department configures the amount of the fine(s).

Mr. Maguire explained the process for Representative Cobos.

Representative Escobar asked Mr. Daryl Cole, Deputy Director for Streets, after the demolition of the property what is done with the building materials.

Mr. Cole responded the materials would be hauled away to the landfills.

Representative Escobar remarked that some demolition companies keep the bricks and wood and then resell the materials.

Mr. Cole replied that typically demolition companies do not make any money on the reselling of building materials.

Mr. Maguire stated that the condemnation Ordinance was being revised and explained the new procedure and rules. He noted that the language would state that any item of value would be auctioned or sold by the

Building Services Department and the amount of monies received would be applied to defray the costs of the home, etc.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Order.

.....
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to close the public hearing for Bid No. 2002-003, Frutas Avenue Street & Drainage Improvements.

Ms. Rita Rodriguez, City Attorney, remarked that the public hearing and the bid award item could be discussed simultaneously.

Representative Cobos asked Mr. Gonzalo Cedillos, Deputy Director of Engineering, to elaborate.

Mr. Cedillos explained that one factor for awarding the bid was experience and that Southwest Growth was deficient in this area.

Representative Cobos asked Ms. Rodriguez what the differences in variables were between RFPs and bids and questioned how an inexperienced company could gain experience for city projects.

Ms. Rodriguez responded noting that experience is listed within the specification variables, as well as financial responsibility and the ability of the contractor to perform the contract.

Representative Sumrall asked that the item be discussed during Executive Session.

Ms. Rodriguez advised Council Members to move the item to the Executive Session if the Council Member has legal question(s).

Representative Sariñana discussed a bid award, which was listed on a previous Agenda that the Mayor later vetoed.

Ms. Rodriguez clarified that the deliberations regarding bids must be publicly heard; however, if legal advice is required the item should be moved to the Executive Session.

Mr. Cedillos explained that the lowest bidder did not meet the experience requirements as noted in their bid documents. He expounded on the lack of project and construction management that might cause frustration to those individuals who live, work and shop in and around the Frutas area.

Ms. Veronica Callaghan, Vice-President of Southwest Growth Corporation, stated that her company was the lowest bidder on the Frutas Street project. She noted that the Engineering Department was concerned with one subcontractor's lack of experience and subsequently she has replaced the subcontractor with one having extensive experience in performing various City projects.

Mr. Cedillos remarked that the Purchasing Department, Contract Compliance Section reviewed the documents provided by Southwest Growth and found discrepancies within the documents. He noted that this project was a Community Development project.

Mr. Byron Johnson, Director of Purchasing, noted that if Council does not award the project today the bids would expire.

Mr. Charlie McNabb, Chief Administrative Officer, explained that it would be Council's prerogative to determine whether the evidence presented today justifies disqualifying the low bidder on the basis of responsibility; however, if Council finds that the replacement of the subcontractor, or any other evidence presented by the bidder, was sufficient or not, Council would make the final judgment.

Representative Power commented on making assumptions regarding Southwest Growth's capability of performing the project. He added that the City does scrutinize city projects to include compliance, change orders, disruption in services and defaults. He explained that he would support Southwest Growth but cautioned Ms. Callaghan to work side by side with the City Departments and to become aware of all the requirements involved with the project.

Ms. Callaghan explained that Southwest Growth had installed 20,000 linear feet of city accepted streets on the west side of the city, located in the industrial area.

Representative Sariñana agreed with Representative Power's comments and alluded to the replaced subcontractor defaulting on a city project.

Mr. Cedillos remarked that the contractor must complete over 50% of the job, not the subcontractor. In addition, the contractor should perform the construction management of the project and with the subcontractor's assistance, the project should be completed satisfactorily.

Representative Cobos stated that with the replacement of the previous subcontractor Council Members should award this bid to the lowest, responsible bidder, Southwest Growth Corporation and he moved to do so. Representative Sariñana seconded.

Representative Sumrall asked Ms. Callaghan what the name of the replacement subcontractor was and whether Southwest Growth would be meeting with the neighbors and businesses to advise them of timetables regarding the project.

Ms. Callaghan responded J.A.R. Concrete. She stated that her company was comfortable with addressing the neighbors and businesses regarding the timetables.

Mayor Raymond C. Caballero noted that this area of the city has numerous flooding and drainage problems and hoped that this would alleviate the flooding. He questioned the cost differences between the bidders. He remarked that the city would be awarding many more projects, the bidding process is very fair and encouraged companies to bid.

Mr. Johnson stated that the approximate difference of the two bids was \$200.00.

Ms. Callaghan remarked that her company had repaired the streets located in County subdivisions and added that these streets were partial reconstructions and additions of new streets.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to award the bid to the lowest responsible bidder Southwest Growth Corporation.

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Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to award Bid No. 2002-003 Frutas Avenue Street & Drainage Improvements

Contractor:	Southwest Growth El Paso, Texas
Department:	Streets Department
Funds Available:	71150069/G7127CD0015/07639/32008/50802
Funding Source:	CD
Items:	Base Bid I \$790,800.00 Base Bid I-A \$ 1,080.00 Base Bid II \$ 71,244.00 Base Bid III \$ 35,276.00 Alternate I \$ 31,400.00
Total Award:	\$929,800.00

The Departments of Engineering and Streets recommend the award of this contract to Silverton Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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No action was taken on the discussion on the proposal by V. F. Jeanswear Workers regarding the problems of the V. F. Corp.'s displacement of an estimated 2000 apparel workers who do not have a GED nor are proficient in English. (Irasema Espinosa and Guillermo Glenn)

Ms. Espinosa expressed her concerns to Council Members in Spanish that were translated by Ms. Diana Nunez, Administrative Assistant City Clerk's office.

Mayor Raymond C. Caballero thanked Ms. Espinosa for her comments.

Mr. Guillermo Glenn addressed the Council and made comments in regard to the displacement of workers.

Mayor Caballero questioned whether V. F. Jeanswear received any incentives from the City for its operations and whether the company provided the notices regarding the layoffs. He asked several other questions of Mr. Glenn to which Mr. Glenn responded appropriately.

Ms. Rita Rodriguez, City Attorney, was unaware of incentives provided by the City and explained that the City did receive the appropriate notices. She stated in addition, V. F. Jeanswear is required to provide notices to either the representative of the employees or to the employees individually. She was unaware if V. F. Jeanswear had complied as to the individual employees. She explained the information contained in the notices.

Mayor Caballero suggested Council Members call a meeting with V. F. Jeanswear local management for discussion regarding V. F. Jeanswear's future plans and other discussions. He discussed the issue surrounding training opportunities and language literacy and suggested speaking with the Texas Workforce Commission individuals and State Representative Norma Chavez. He asked Mr. Glenn to make an appointment with him in order that a meeting might be arranged with those individuals previously mentioned.

Representative Cook noted that the city provides incentives for companies; however, there are no incentives for companies in regard to job retention.

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*Motion made, seconded and unanimously carried to postpone to January 14, 2002 the Report from the City Clerk on Boards/Committees regarding Ethics Ordinance.
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*Motion made, seconded and unanimously carried to postpone to January 14, 2002 the discussion and action to ensure that all City employees who are in the U.S. Armed Forces Reserves and are called to active duty will not experience any decrease in income or other benefits provided by the City of El Paso while they are serving their country. (Representative Larry Medina)
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.....
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance No. 014874 which changed the zoning of Lot 17, Block E, COLLINGSWORTH, El Paso, El Paso County, Texas, (5990 Alameda Avenue) and which imposed certain conditions, to delete Conditions No. Two (2) And Three (3) thereof. The penalty being as provided in Section 20.68.010 of the Municipal Code. Applicant / Representative: Cesar Carlos Holguin, 1420 Plaza Fatima, El Paso, TX 79912 SC-01011
- B. An Ordinance changing the zoning of a Portion of Lot 19 and All of Lot 20, Block 17, COTTON ADDITION, El Paso, El Paso County, Texas (2330 Montana Avenue) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Richard Nacim, 4009 Santa Anita, El Paso, TX 79902 ZC-01052
- C. An Ordinance changing the zoning of a portion of Section 33 and All of Tracts 1 and 1a, Section 40, Block 79, Township 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, El Paso, El Paso County, Texas (East of Loop 375 and South of Montana Avenue) as follows: Parcel 1, from R-3 (Residential) to C-4/c (Commercial/conditions); Parcel 2, from R-3 (Residential) to PR-2 (Planned Residential); Parcel 3, from R-3 (Residential) to R-5 (Residential); Parcel 4 from R-3 (Residential) to C-3/c (Commercial/conditions) and Parcel 5 from R-3 (Residential) to R-3A (Residential), and imposing Certain Conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real IV, LTD / Representative: Conde, Inc. 1790 Lee Trevino, Suite 400, El Paso, TX 79936 ZC-01061
- D. An Ordinance changing the zoning of a Portion of Tract 17, S.A. & M.G.R.R. Survey No. 266, El Paso, El Paso County, Texas (North of Redd Road and West of I-10) from C-3 (Commercial) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: J.R. Phillips / Representative: Roe Engineering, L.C., 601 N. Cotton, El Paso, TX ZC-01062

- E. An Ordinance changing the zoning of Lots 31 and 32, Block 92, EAST EL PASO, El Paso, El Paso County, Texas (3300 Montana Avenue), from R-5 (Residential) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Jaime Hidalgo / Representative: Acosta Engineering, 3127 Montana, El Paso, TX ZC-01063
- F. An Ordinance changing the zoning of a Portion of Tract 2, Block 6, CHRISTY TRACT in Block 31 of YSLETA GRANT, El Paso, El Paso County, Texas (561 - 563 Schwabe Street) from R-F (Ranch-Farm) to R-4 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicants / Representatives: Marco Antonio and Leonor Velez, 321 Apodaca, El Paso, TX ZC-01064
- G. An Ordinance changing the zoning of Lots 31, 32, 33 and 34, Block 19, BRENTWOOD HEIGHTS, El Paso, El Paso County, Texas, (5318-5322 Gateway East Boulevard) from R-5 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicants: James Drake and Irma Crowley/ Representative: Stephen Simon, 7729 Lockheed, Suite A, El Paso, TX. 79925. ZC-01065 (District 3)

PUBLIC HEARING WILL BE HELD ON JANUARY 29, 2002 FOR ITEM A - G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including the assurances, from the City of El Paso Police Department for a Juvenile Accountability Incentive Block Grant in the amount of \$810,447.00 from the Office of the Governor, Criminal Justice Division, for the Combined Youth Services Program to pay the salaries of five officers, one contractual project coordinator and eleven contractual counselors; to purchase equipment, supplies and training; to link the resources of various Police Department units who work with juveniles into one central database; and to assist juveniles, their families and educators who deal with juvenile issues. No matching funds required.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds, the funds will be returned to the Office of the Governor, CJD in full.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the Parks & Recreation Department, and YWCA - CHILD CARE MANAGEMENT SERVICES for daycare cost subsidies to eligible low income families at the daycare center located at Nolan Richardson Community Center, more particularly described as 4435 Maxwell, El Paso, Texas, 79912.

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*Motion made, seconded and unanimously carried to re-appoint Leo Gus Haddad to the Bond Overview Advisory Committee (BOAC) by Mayor Raymond C. Caballero.

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Motion made, seconded and unanimously carried to move to the Regular Agenda Budget Change BT2002-169 HEALTH

Representative Sumrall stated that she was Mr. Medina's appointment to the City/County Animal Control Board and the Board was really excited that the spay/neuter program was moving forward. She stated that this budget transfer was to purchase the equipment. She publicly thanked PetsMart for their donation and questioned whether the van would have all the necessary equipment for the spaying/neutering.

A gentleman from Animal Control/Human Society responded that the donation would assist in equipping the van; however, more monies would be needed at a later date.

Representative Sumrall questioned whether the funds donated by Representative Cook and herself would be utilized for the spay/neuter van.

He explained that the donated funds would provide equipment for the volunteer(s).

Mayor Raymond C. Caballero commended the members of Council for their devotion toward animals.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2002-169 HEALTH
PetsMart Charities granted monies to Animal Regulation & Disease Control to purchase Spay/Neuter Medical equipment.

Increase	\$17,636	to	41150004/G41011907269/406002	Local Grt Proc
Increase	\$17,636	to	41150004/G41011907269/508012	Med/Scientific Equip

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-179 MUNICIPAL COURT
Purchase of 3 servers for the municipal court and northeast arraignment court utilizing state restricted funds for court technology.

Increase	\$100,000	to	11153060/PMC000116011/508010	Data Proc Equip
Increase	\$100,000	to	11153060/PMC000116011/404059	Court Tech

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*Motion made, seconded and unanimously carried to approve budget transfer BT2002-195 AIRPORT
To set up funding for water utilities at new cargo complex.

Increase	\$5,500	to	62620004/40101/504101	Water
Decrease	\$5,500	from	62620001/40101/504405	Contingency

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-196 AIRPORT
Transfer of funds to cover acquisition of live scan finger printing system for security screening at the airport.

Increase	\$52,000	to	62620020/P50000441022/508008	Major Equip
Increase	\$52,000	to	62620020/P50000441022/407001	IntraFd Trfr In
Increase	\$52,000	to	62620018/P50000241021/507001	IntraFd Trfr Ot
Increase	\$52,000	to	62620018/P50000241021/407002	FundBal Trnfr

.....
*Motion made, seconded and unanimously carried to delete the discussion and action on the reason
Building Services targeted and issued citations to businesses in the Downtown area as requested by
Representative Cobos.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried
that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter
and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Richard Vasquez, et al vs. City of El Paso, et al, Cause No. 2000-2427
- B. Attorney consultation regarding helicopter liability
- C. An Ordinance authorizing the Mayor to sign a Deed Without Warranty conveying to Vistacon, Inc., the abutting property owner a parcel of land owned by the City and consisting of 17,659 square feet, being a portion of Lots 1 through 3, Kessler Industrial District #1, El Paso, El Paso County, Texas and addressed as 1161 Kessler Drive near the intersection of Kessler and Yermoland Drives in East El Paso.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to
adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions
were made as follows:

.....
Motion made by Representative Sariñana, seconded by Representative Sumrall and carried that the City
Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **RICHARD VASQUEZ, et al.
vs. CITY OF EL PASO, et al; Cause No. 2000-2427; Our File No. 00-S-33**, as recommended by the City
Attorney.

Representative Rodriguez was not present for the vote.

.....
No action was taken regarding the attorney consultation regarding helicopter liability.

.....
Representative Rodriguez was not present for the vote.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to postpone four (4) weeks an Ordinance authorizing the Mayor to sign a Deed Without Warranty conveying to Vistacon, Inc., the abutting property owner a parcel of land owned by the City and consisting of 17,659 square feet, being a portion of Lots 1 through 3, Kessler Industrial District #1, El Paso, El Paso County, Texas and addressed as 1161 Kessler Drive near the intersection of Kessler and Yermoland Drives in East El Paso.

Representative Rodriguez was not present for the vote.

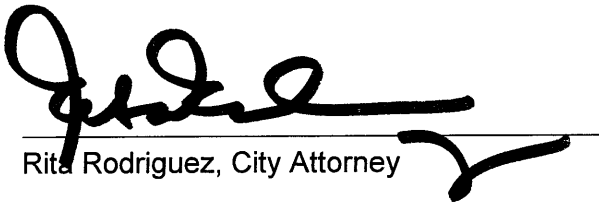
Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 10:55 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carole Hunter, City Clerk



Rita Rodriguez, City Attorney